

CITY OF BUFFALO - POLICE DEPARTMENT - HOMICIDE SQUAD

STATE OF NEW YORK)

COUNTY OF ERIE)

CITY OF BUFFALO)

DATE: 05/07/2017

TIME COMMENCED: 2121 hours

Incident #17-127-0585

File #17-157

I, Emmanuel Ortiz, H/M, DOB 01/03/1985, residing at 27 Hartman (lower), Buffalo, NY, phone # (716)247-0489 being duly sworn deposes and makes the following statement while at the Buffalo Police Department Homicide Office. The questions are asked by Detective Scott R. Malec and typed by Detective Scott R. Malec.

Q. Can you read and write, and how far have you gone in school?

A. Yes, College graduate.

Q. The Buffalo Police Department's Homicide Unit is investigating the shooting incident that occurred on 05/07/2017 at Hartman and Garfield at approximately 1712 hours, in your own words, what can you tell me about this incident?

A. I was in the house with my children and I heard a loud bang that shook the house? I went into the other room to check on the children. My girlfriend then told me that a car just hit the house. I immediately ran outside. The rear door is adjacent to where everything had happened. At that time the subject was still in the driver seat of the vehicle. The two officers were kind of like wrestling with him as he was in the driver seat. The officer that was injured at that time started yelling out help me Oh My God help me. There appeared to be blood coming down his face. I wasn't sure of his injuries at that time I thought maybe he was scratched or bitten. At that time the officers had gotten him down to the ground but he was fighting back. The injured officer kept saying Oh My God Help me, Shoot Him and he said that a couple more times to Shoot him. The subject then got to his feet and was attempting to get away from him. I was trying to close the door so the subject wouldn't run into my direction. One of the officers had their weapon drawn at that time. I'm not sure which one but I saw a firearm being pulled. The subject twisted away from the officers and his shirt was pulled off and he came out of one of his sneakers. He began running down the street towards Peoria and from the window of the back door I could see the injured officer in the street saying help me and the other officer fired at the subject 2 or 3 shots. After the 2 or 3 shots that were fired the officer started running after the subject, going after him. The officer that was injured was in the street still saying help me. At that time I came out of the house and went to my garage, got a rag for him. As I got closer I seen his injury was more extensive then just a scratch or bite his entire ear was hanging from his ear lobe. At that time I called 911, gave them a brief description of the subject and situation of what was going on. I tried to establish urgency with them saying shots fired and an officer was down. At that time the 911 dispatcher said someone was on the way and they hung up the phone. There was another bystander there that was trying to assist and apply pressure with the wounds. The officer was alert and asked if he was going to lose his ear and was holding a large bag that appeared to be drugs in his hands. By time I got off the phone with 911 I was by the corner of Garfield and Peoria with the injured officer who was lying right on the corner

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47 of the sidewalk on his stomach. That's when the other officer came out of a back yard 2
48 houses down and immediately came and checked on his partner on the ground and other
49 officers started pulling up.

50

51 Q. Did you see any weapons in the subject's hands?

52 A. No. I did notice when he started to run he had some large black and blue bruises on
53 his back though.

54

55 Q. Did you give this statement voluntarily?

56 A. Yes.

57

58 Q. Were any threats or promises made to you in relation to this statement?

59 A. No.

60

61 Q. Is there anything else you would like to say about this incident?

62 A. I feel that the paramedics should definitely a lot faster.

63

64 Q. I am now going to have you read your statement and if there is anything you would
65 like changed or added, we will do that now. Do you understand?

66 A. Yes.

67

68 *****Statement ended 2136 hours*****
69

70 I understand that any false statements made herein are punishable as a class A
71 misdemeanor, pursuant to section 210.45 of the New York State Penal Law, of the
72 State of New York. Subscribed and verified under penalty of perjury.

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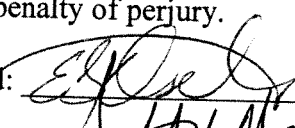
77 Sworn and Subscribed before Me
78 this 7th day of May, 2017.

79

80

81 Commissioner of Deeds in and for
82 The City of Buffalo, New York,
83 County of Erie. 12/31/2018

84

Signed: 

Witnesses: 

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